REMARKS

Applicant submits that the present amendment is fully responsive to the Office Action dated December 3, 2008 and, thus, the application is in condition for allowance.

By this reply, claims 1, 37, and 44 are amended. Claims 7-36 were previously withdrawn. Claims 1-6 and 37-50 remain pending. Of these, claims 1, 37 and 44 are independent. An expedited review and allowance of the application is respectfully requested.

In the outstanding Office Action, claims 1-6 and 37-50 were provisionally rejected on the grounds of non-statutory double patenting as being unpatentable over claims 1-36 of co-pending Application No. 11/134,680. Independent claims 1, 37, and 44 have each been amended and do not conflict with those of the cited application. Additionally, since the conflicting claims have not yet been patented, Applicant addresses the right to address the double patenting rejection at such time when the conflicting claims are allowed and/or patented.

In the outstanding Office Action, claims 44, 45, and 46 were rejected under 35 U.S.C. § 102(e) as being anticipated by Huang (USPN 6,693,897). It is asserted that Huang discloses a device as recited in the pending claims. Applicant respectfully traverses.

Huang does not teach all of the features of independent claim 44 and thus, cannot anticipate the present claims. For example, Huang does not teach logic to communicate to the caller via the wireless device a message containing a callee's information. This element is found, for example, in paragraph [0038] of the present invention's specification. Huang discloses a system wherein a dial-up internet user can see a caller's name and number while remaining connected to the internet (Huang, Column 2, Lines 60-66). This is because, when using a dial-up connection, the user cannot receive phone calls while using the internet. This is nothing like the present invention. For instance, nowhere does Huang disclose sending the

callee's information back to the caller. The present invention allows for this, for example, via SMS, EMS, or MMS. The information can give the caller, for example, a picture of the callee that has been stored on the computing device. The only information the caller even has in Huang is that which the caller used to call the callee, nothing sent back from the callee. This element is simply not present in Huang. Thus, Huang cannot anticipate the present invention as claimed. For at least this reason, the rejection should be withdrawn.

Dependent claims 45 and 46, which depend on claim 44, also cannot be anticipated because they depend on a claim which cannot be fairly anticipated or obviated by Huang, as discussed above. These dependent claims add further features that, in combination with the features presented in the independent claim, clearly further distinguish the claims from any teaching or suggestion by Huang. For at least these reasons, the rejections should be withdrawn.

In the outstanding Office Action, claims 1-4, 6, and 37-42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cruickshank (USPN 6,888,927) in view of Mobley (USPN 6,327,342), further in view of Zhang (USPN 6,993,119). It is asserted that Cruickshank teaches all of the limitations of the present invention as recited in the claims but for locating contact information for the caller in a contact database of either the external computing device or of a network. Further, it is alleged that Mobley discloses such feature although it does not disclose a method of displaying contact information in real time about a caller. It is even further alleged that Zhang does disclose this feature and, thus, it would have been obvious to combine Zhang's teaching into Mobley's teaching into Cruickshank's invention to render obvious the present invention as disclosed in the claims. Applicant respectfully traverses.

Neither Cruickshank nor Mobley nor Zhang, alone or in combination, teach or fairly suggest the present invention as recited in the pending claims. For example, no reference of

record discloses a method or system that retrieves information about a caller using a wireless device in real time such that the called party receives various forms of information regarding the caller during the course of the call and also communicates to the caller via the wireless device a message containing a callee's information. At best, Cruickshank discloses relating information about a caller to a called (but missed) party *after* the caller leaves a message for the called (but missed) party. In fact, in contrast with the present invention, when using Cruickshank's invention, nothing happens if the called party answers the call (See, for example, col. 12, lines 48-52). It is only in the case of a missed call in which a message is left for the called party does Cruickshank's invention operate. There is no suggestion or motivation to perform it otherwise. Thus, Cruickshank operates a different invention using different techniques and different methods. Also, nowhere does Cruickshank even mention communicating any of the callee's information back to the caller. As stated above, this allows the caller to receive, for instance, a picture of the callee. This element is not present in Cruickshank. Mobley also does not disclose the present invention as recited in the pending claims. At best, Mobley discloses a backup E911 system that operates if the primary E911 system experiences equipment failure Mobley, Column 1, Lines 59-64). In no way does it operate to provide information back to the caller as recited in the pending claims. At most, Zhang teaches a conventional caller ID system (Zhang, Column 16, Lines 1-4). This also in no way provides information back to the caller. Additionally, Zhang teaches completely away from Cruickshank's invention because Zhang's invention works with a standard (and very well known and conventional) Caller ID in real time while, as discussed above, the device of Cruickshank can only work if there is no reply to a phone call, or in other words, not in real time. It is therefore unclear how two references in divergent technical fields and having modes of operation which are completely distinct can be combined in a fair way to

produce an invention that renders the present claims as obvious. Thus, in the absence of such reference or references, no such motivation exists other than Applicant's own disclosure and thus the claims should be deemed as allowable over the references of record. For at least these reasons, the rejection should be withdrawn.

In regards to claims 2-4, 6, and 38-42, since these dependent claims depend on independent claims 1 and 37, which stand free of any references of record and should be deemed allowable, these dependent claims then also are allowable by definition. Thus, no references of record render obvious any of these pending claims and the rejection should therefore be withdrawn. Each particular dependent claim includes further explicit limitations that stand free of any references of record on its own. As an example, the limitations recited in claims 6, 43 and 50 require information to be relayed and stored back in the wireless device used by the calling party, a feature not disclosed or fairly suggested by any of the references of record, even in the inventions described therein that are different than that of the present application. For at least these reasons, the rejection should be withdrawn.

In the outstanding Office Actions, claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Cruickshank in view of Mobley in view of Zhang, further in view of Gerszberg (USPN 6,385,305). It is asserted that the combination of Cruickshank and Mobley and Zhang teaches all of the limitations of the present invention as recited in the claims but for the ability to drag information from a GUI for a contact manager and dropping it into a GUI for a wireless device interface logic. Further, it is alleged that Gerszberg teaches such limitation and, thus, it would have been obvious to combine such teaching into the combination of Cruickshank and Mobley and Zhang to render obvious the present invention as recited in the claims. Applicant respectfully traverses.

Neither Cruickshank, Mobley, Zhang, nor Gerszberg, nor any other related reference of record, alone or in combination, disclose or fairly suggest the present invention as recited in the pending claims. For example, no reference discloses communicating to the caller via the wireless device a message containing a callee's information. Cruickshank and Mobley and Zhang are in different fields and operate in contrasting environments, but yet even if allowed to be combined, *arguendo*, could not be able to obviate the present invention as recited in the pending claims. The fourth reference, Gerszberg, discloses an answering machine toolkit that allows creative messages to be left thereon (Gerszberg, Column 9, Lines 20-25). It is completely different from the present invention and does not anticipate, obviate or provide any suggestions or motivations that could be used to obviate the present invention as recited in the pending claims. Thus, even the combination of the four references from different fields, even if any such motivation existed, cannot obviate the present invention. The rejection should then be withdrawn and the application allowed to issue.

In the outstanding Office Actions, claim 43 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Cruickshank in view of Mobley in view of Zhang, further in view of Official Notice. It is asserted that the combination of Cruickshank and Mobley and Zhang teaches all of the limitations of the present invention as recited in the claims but for logic to store the contact information received from an external computing device. Further, it is alleged that such feature is very well known and Official Notice is taken as such, without use of a reference. Applicant respectfully traverses.

The combination of Cruickshank and Mobley and Zhang is incapable of obviating the present invention as recited in the pending claims for at least the reasons set forth above. Thus, because such references of record are incapable of obviating such claims, it stands that any

Official Notice of any particular additional feature cannot stand as well. Thus, the rejection should be withdrawn and the application allowed to issue.

In the outstanding Office Actions, claims 47-50 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Huang in view of Cruickshank. It is asserted that Huang teaches all of the elements of claim 44 but does not teach the external computing device receiving photo information for the caller from the wireless device and including the photo information in the new contact record for the caller. Further, it is alleged that Cruickshank teaches such limitations and, thus, it would have been obvious to combine such teaching with Huang to render obvious the present invention as recited in the claims. Applicant respectfully traverses.

Dependent claims 47-50, which depend on claim 44, cannot be anticipated or obviated because they depend on a claim which cannot be fairly anticipated or obviated by Huang or Cruickshank, alone or in combination, as discussed above. These dependent claims add further features that, in combination with the features presented in the independent claim, clearly further distinguish the claims from any teaching or suggestion by Huang or Cruickshank. For at least these reasons, the rejections should be withdrawn.

No extension of time is believed necessary to enter this amendment. If any other fees are associated with the entering and consideration of this amendment, please charge such fees to our Deposit Account 50-2882.

Applicant respectfully requests an interview with the Examiner to present more evidence of the unique attributes of the present invention in person. As all of the outstanding rejections have been traversed and all of the claims are believed to be in condition for allowance, Applicant respectfully requests issuance of a Notice of Allowance. If the undersigned attorney can assist in

any matters regarding examination of this application, Examiner is encouraged to call at the number listed below.

Respectfully submitted,

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